

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MARIO CAPOGROSSO,

*Plaintiff,*

v.

ALAN GELBSTEIN, et al.,

*Defendants.*

1:18-cv-2710 (EK) (LB)

**ECF Case  
Electronically Filed**

**DECLARATION OF MAURA DOUGLAS**

I, MAURA DOUGLAS, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney admitted to practice law in the State of New York and before the United States District Court for the Eastern District of New York. I am associated with the firm of Davis Polk & Wardwell LLP, attorneys for Defendant David Smart (“Defendant”) in the above-captioned proceeding. I respectfully submit this declaration in support of Defendant’s Motion for Summary Judgment. The purpose of this declaration is to place before the Court copies of documents referred to in the Memorandum of Law in Support of Defendant’s Motion for Summary Judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpted pages 1–2, 17–19, 79–81, 125–26, 233–39, 343–47, 351–56, 427–31 of the deposition of Plaintiff Mario Capogrosso, dated December 18, 2020.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpted pages 1, 6–9, 16, P-20, P-31, P-41–43, P-45, P-68, P-71–72, P-79–80, P-82–86, P-91–93, P-95–97, P-99–141, P-149–51, P-165–187, P-189–201, P-206–24 of Plaintiff’s Responses to

State Defendants' Interrogatories and Requests for Document Production, dated November 20, 2020.

4. Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the March 16, 2021 hearing before the Honorable Lois Bloom.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpted pages 1–5, 12–13, 20, 65 of the deposition of defendant Danielle Calvo, dated December 17, 2020.

Dated: New York, New York  
May 17, 2021

A handwritten signature in black ink, appearing to read 'Maura Douglas', is positioned above a horizontal line.

Maura Douglas